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12 *New York Mellon, successor*
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14 *National Association, as Trustee*
15 *f/b/o holders of Structured Asset*
16 *Mortgage Investments II Inc., Bear*
17 *Stearns ALT-A Trust 2005-10,*
18 *Mortgage Pass-Through*
19 *Certificates, Series 2005-10*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

18 THE BANK OF NEW YORK MELLON,
19 SUCCESSOR TRUSTEE TO JPMORGAN
20 CHASE BANK, NATIONAL
21 ASSOCIATION, AS TRUSTEE F/B/O
22 HOLDERS OF STRUCTURED ASSET
23 MORTGAGE INVESTMENTS II INC.,
24 BEAR STEARNS ALT-A TRUST 2005-10,
25 MORTGAGE PASS-THROUGH
26 CERTIFICATES, SERIES 2005-10,

Plaintiff,

24 vs.

25 POSHBABY L.L.C. SERIES 6653
26 GOLDENCREEK WAY, a Nevada limited
27 liability company; SMOKE RANCH
28 MAINTENANCE DISTRICT, a Nevada
non-profit corporation.

Defendant.

Case No. 2:16-cv-02802-KJD-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES FOR THE LIMITED
PURPOSE OF CONDUCTING
DEPOSITIONS**

(THIRD REQUEST)

Pursuant to Local Rule 26-4 and the Court's Scheduling Order, Plaintiff The Bank of New York Mellon, successor trustee to JPMorgan Chase Bank, National Association, as Trustee f/b/o holders of Structured Asset Mortgage Investments II Inc., Bear Stearns ALT-A Trust 2005-10, Mortgage Pass-Through Certificates, Series 2005-10 ("Trustee"), Defendant Poshbaby L.L.C. Series 6653 GoldenCreek Way ("Poshbaby"), and Defendant Smoke Ranch Maintenance District ("Smoke Ranch") by and through their respective counsel of record, hereby agree and respectfully submit this stipulation as follows:

Stipulated Amendment of Scheduling Order

1. Statement of Discovery Completed

On October 10, 2017, the Court granted the parties second stipulation to extend discovery, which set the following relevant deadlines:

- (a) Close of Discovery: December 22, 2017
- (b) Dispositive Motions: January 22, 2018
- (c) Pretrial Order: February 21, 2017 (suspended upon the filing of dispositive motions until 30 days after decision on any dispositive motions).

Trustee has completed the following:

- 1. Service of its Initial Disclosures on April 4, 2017
- 2. Service of written discovery to Poshbaby and Smoke Ranch on June 30, 2017
- 3. Service of subpoenas to produce documents and for deposition to third-party Red Rock Financial Services on July 11, 2017
- 4. Service of Deposition Notices to Poshbaby and Smoke Ranch on December 6, 2017

Poshbaby has completed the following:

- 1. Service of its Initial Disclosures on April 5, 2017
- 2. Response to Trustee's Requests for Admission on December 13, 2017
- 3. Service of Deposition Notice to Trustee on December 18, 2017

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Smoke Ranch has completed the following:

1. Service of its Initial Disclosures on September 8, 2017
2. Response to Trustee's written discovery on December 8, 2017

2. Discovery that Remains to be Completed

Trustee is awaiting remaining responses to written discovery from Poshbaby. Trustee intends to take the depositions of Poshbaby, Smoke Ranch, and other witnesses whose deposition may become necessary once Trustee receives all written discovery responses. Poshbaby intends to take the deposition of Trustee.

3. The Reasons Why Remaining Discovery Was Not Completed

Poshbaby and Trustee are engaged in settlement discussions that they believe may resolve this case without the need to incur the cost of conducting depositions. Additionally, certain issues regarding discovery have arisen that would require additional motion practice to resolve, which the parties believe can be avoided through settlement. Trustee is also awaiting complete discovery responses from Poshbaby which it requires to adequately prepare for and conduct a deposition of Poshbaby. Accordingly, the parties have agreed to defer depositions and litigation of these issues while settlement negotiations are ongoing in an effort to reduce the burden on the parties' and the Court's resources.

4. Proposed Discovery Schedule

The Parties stipulate and agree to an extension of discovery for the limited purpose of conducting depositions, subject to the following proposed deadlines:

- (a) Depositions Complete and Close of Discovery: Friday, February 2, 2018
- (b) Dispositive Motions: Monday, March 5, 2018
- (c) Pretrial Order: Wednesday, March 28, 2018 (suspended upon the filing of dispositive motions until 30 days after decision on any dispositive motions).

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1 **5. Trial**

2 No trial date has been set in this matter.

3 Dated: December 20, 2017.

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5 BALLARD SPAHR LLP

PENGILLY LAW FIRM

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23 **IT IS SO ORDERED.**

24 
25 UNITED STATES MAGISTRATE JUDGE

26 DATED: 12/22/2017